

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: David A. Jerri	Debtor(s)	CHAPTER 13
Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust	Movant	NO. 17-10879 AMC
vs.		
David A. Jerri	Debtor(s)	
William C. Miller Esq.	Trustee	11 U.S.C. Section 362

**MOTION OF WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA
TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE
ACQUISITION TRUST
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362**

1. Movant is Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust.
2. Debtor(s) is residing in the premises of 400 Louise Avenue, Croydon, PA 19021. Debtor is heir to the property by will from Bobby A. Owens, the mortgagor.
3. Movant is the holder of a mortgage, original principal amount of \$180,800.00 on the mortgaged premises that was executed on November 30, 2004 . Said mortgage was recorded on December 28, 2004 at Book 4240, Page 428. The Mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on February 1, 2017, in Instrument Number 2017007216 in Bucks County.
4. William C. Miller Esq., is the Trustee appointed by the Court.
5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor(s).
6. Debtor(s) has failed to make the monthly post-petition mortgage payments in the amount of \$1,708.65 for the months of April 2017 through July 2017 .

7. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred \$850.00 in legal fees and \$181.00 in legal costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

8. The total amount necessary to reinstate the loan post-petition is **\$6,834.60** (plus attorney's fees & costs).

9. Movant is entitled to relief from stay for cause.

10. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

/s/Rebecca A. Solarz, Esquire

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